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PTO/SB/21 (04-07)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/766,633 now US 7,238,876	
	Filing Date	January 27, 2004; issue date July 3, 2007	
	First Named Inventor	Worrall, Richard	
	Art Unit	2837	
	Examiner Name	Christina Russell	
Total Number of Pages in This Submission	6	Attorney Docket Number	FF-1

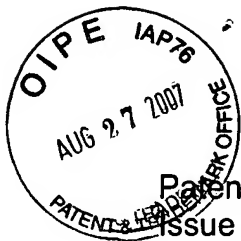
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name		
Signature		
Printed name	Jean Ellis, J.D.	
Date	August 24, 2007	Reg. No. 36505

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Jean Ellis, J.D.	Date Aug 24, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,238,876
Issue Date : July 3, 2007
Application No. : 10/766,633
Filing Date : January 27, 2004
Inventors : Richard William Worrall and Robert William Sharp
Title : METHOD OF AUTOMATED MUSICAL INSTRUMENT
FINGER FINDING

Date: August 24, 2007

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.137 (b) and (f)
TO EXCUSE DELAY IN FILING
RECISSION OF PREVIOUS NONPUBLICATION REQUEST
NOTICE OF FOREIGN FILING

Commissioner for Patents:

Applicant hereby petitions the Commissioner under 37 CFR 1.137(b) and (f) to excuse the delay in filing a notice of Rescission of Previous Nonpublication Request and Notice of Foreign Filing, in the above-identified patent application.

Background

A request that the above-identified application not be published under 35 U.S.C. 122(b) was included with the filing of the above-identified application.

Subsequent to the filing of the above-identified application, an application was filed in the PCT, which requires publication of applications eighteen months after the filing. The filing date of the subsequently filed PCT application is June 1, 2007.

The above-identified patent application issued as a patent on July 3, 2007 and published on the same day. The pendency of the above-identified patent application ended upon issuance of the patent.

The Rescission and Notice was not filed within 45 days of the PCT filing.

Unintentional Delay

The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Comment

A credit card authorization for the fee set forth in 37 CFR 1.17(m), as specified under 37 CFR 1.137(b)(2), is enclosed for payment if such fee is required under the facts of the present case. Applicant claims small entity status.

The PTO/SB/64a form for Petition under 37 CFR 1.137(f) is not included herewith, as the specific facts of the present case are inconsistent with statements on the PTO form. In particular, the timing of patent issuance is such that the delay in providing the Rescission and Notice did not result in abandonment of the above-identified patent application. The pendency of the patent application ended when the patent issued on July 3, 2007, which was prior to the expiration of the 45 day period.

Request that Petition be Granted

Applicant hereby petitions the Commissioner to excuse the delay in providing the Rescission and Notice, and requests that this Petition be granted. In the event further information is requested, or a different course of action is indicated, please contact Applicant's representative below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jean Ellis".

Jean Ellis, J.D.

Registration Number 36505

Enclosures:

Credit Card authorization
Return receipt postcard